

REMARKS

The Applicant disagrees with the rejection under 35 USC §112, 2nd Paragraph. It appears that the Examiner has mis-understood the broad/narrow range objection set forth in the MPEP, which concerns use of the words “such as” or “for example,” followed by a narrower limitation. Such a recitation is indefinite because it is not clear whether the claim is in fact limited to the narrower limitation. The word “wherein” followed by the narrower limitation, on the other hand, is entirely traditional, appropriate, and unambiguous since it is clear that the claim is limited to the narrower limitation.

Nevertheless, to expedite prosecution of the application, claim 28 has been amended to move the last “wherein” clause, which narrowed the “modulating” step, into the modulating step itself, so as to avoid the broad/narrow format objected-to by the Examiner. This is truly a matter of form and does not change the scope of the claim or otherwise affect patentability.

Should the Examiner still feel that the claims need to be amended, the Examiner is urged to telephone the undersigned at any time in order to resolve any outstanding issues without the need for a further written Official Action and Response.

Having thus overcome the sole rejection made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', with a long horizontal flourish extending to the right.

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